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10/808,776	03/24/2004	Sung-Woong Ahn	2060-3104	6073

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EXAMINER

HUYNH, NAM TRUNG

ART UNIT PAPER NUMBER

2617

DATE MAILED: 07/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/808,776	Applicant(s) AHN ET AL.	
	Examiner Nam Huynh	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 April 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-19 is/are allowed.
- 6) ☒ Claim(s) 20-38 and 40 is/are rejected.
- 7) ☒ Claim(s) 30,39,41 and 42 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

This office action is in response to amendment filed on 4/4/2006. Of the original claims 1-19, claims 1 and 7-12 have been amended and claims 20-42 have been added.

Claim Objections

1. Claim 30 is objected to because of the following informalities: In the second line of the claim, "lacking" should be "latching". Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

3. Claims 20, 25, and 36 are rejected under 35 U.S.C. 102(a) as being anticipated by Kaiwa et al. (US 6,490,436).

A. Regarding claims 20 and 25, Kaiwa et al. discloses a battery pack removing device that comprises the following:

- A protrusion (latching member) formed on the battery (figure 4, item 70).
- A slide knob (locking member) comprising a slide pawl (first locking leg) (figure 3, item 21) and a slide protrusion (second locking leg) (figure 3, item 22).
- A portable telephone set body (terminal body) (figure 6, item 10).

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In the scope of the invention, when the slide knob is pushed in an unlocking direction, the slide protrusion and the back protrusion are configured to provide a wedge force to push the battery pack during the sliding movement (column 5, lines 6-24 and figures 6-7).

The invention of Kaiwa et al. pertains to a battery pack whereas a "battery cover" is claimed. According to Nerwin v. Erlichman, 168 USPQ 177, 179 (PTO Bd. of Int. 1969), the mere fact that a given structure is integral does not preclude its consisting of various elements. Therefore, one of ordinary skill in the art would recognize that the battery pack of Kaiwa et al. comprises a cover.

Furthermore, applicant states that a person skilled in the art would recognize that the locking mechanism is not restricted to mobile telephone battery cover locking applications, but may be easily implemented in various other locking applications (page 12, paragraph 41).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.

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2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

6. Claims 21-24, 26-29, 30, 32-38 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kaiwa et al. (US 6,490, 436) in view of Wei et al. (US 6,371,535).

A. Regarding claims 21 and 26, Kaiwa et al. discloses the limitations set forth in claims 20, 25, and 36, but does not explicitly disclose that the slide knob is mounted at the body to be linearly movable in a width direction and has a spring for restoring the locking member to an original state. Wei et al. disclose an easily releasable locking device for detachably securing a battery pack to a portable battery-powered apparatus (title). The locking device comprises an upper and lower engaging members (figure 7, item 20) and a latching member (figure 7, item 23) that locks a battery pack into place. When a user operates the engaging members, in a direction opposite against the force of the biasing members (springs) (figure 7, item 25), the latch members are disengaged from the cavity members thereby facilitating the removal of the battery pack (column 3, lines 44-57). It can be seen in drawings that once the battery pack is removed, the biasing members will return to their original state when the user releases the operating members.

With reference to figure 2, the left inner side wall (item 112) defines an axis of rotation, which is traverse to the longitudinal direction (column 2, lines 55-57). Traverse can be defined as "to go counter to". Therefore showing that the operating members are operated in a latitudinal, or "width", direction.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the battery pack removing device of Kaiwa et al., to include a spring operated in a width direction, as taught by Wei et al., in order to allow the battery pack to be easily removed.

B. Regarding claims 22 and 27, in figure 7 of Wei et al., it can be seen that there are two operating plates (item 20), or locking members, that face each other and two springs (item 25).

C. Regarding claims 23 and 28, the combination of the recess (figure 5, item 61) and protrusion (figure 5, item 70) of Kaiwa et al. can be considered as the latching member since both components function to secure the battery to the housing of the phone. Therefore using this interpretation, the slide pawl (first locking leg) would be inserted into the recess and the protrusion, which has an inclined surface, mates with the slide protrusion (second locking leg).

C. Regarding claims 24 and 29, Kaiwa et al. shows an inclination surface on the slide protrusion (figure 3, item 22).

D. Regarding claim 30, the limitations are rejected as applied to claims 20-22.

F. Regarding claim 32, Wei et al. discloses engaging seats (figure 3, item 12) or "grooves" which seat a pair of upper and lower engaging members (figure 3, item 20), or locking members. The "width direction" is explained in regards to claim 21.

G. Regarding claim 33, the flap portion (figure 3, item 33) of Wei et al. renders the "support member".

H. Regarding claim 34, Kaiwa et al. discloses a slide knob (figure 3, item 20) and a protrusion (figure 4, item 70) or latching member.

I. Regarding claims 35 and 40, Kaiwa et al. discloses a portable telephone set body (figure 8, item 10).

J. Regarding claim 37, in the combination of Kaiwa et al. and Wei et al., Kaiwa et al. shows a locking member with a second locking leg (slide protrusion) and Wei et al. shows a second elastic member (figure 7, item 25) and at least one support member (figure 3, item 33).

K. Regarding claim 38, Kaiwa et al. shows a second locking leg (slide protrusion) that has an incline to receive the latching member (protrusion) of the battery.

7. Claim 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kaiwa et al. (US 6,490, 436) and Wei et al. (US 6,371,535) as applied to claim 30 above, and further in view of Kato (US 6,785,567).

The combination of Kaiwa et al. and Wei et al. does not explicitly disclose that the latching member is a hook shaped pair. Kato disclose a radio device holder in that comprises a pair of hook shaped pawls (figure 8, item 51p) or latching members. Therefore it would have been obvious to one of ordinary skill in the art to modify the combination of Kaiwa et al. and Wei et al. to include hook shaped latching members in order to properly secure the battery or cover. It is well known in the art that allowing a latching member to be hook shaped creates a more secure attachment that would prevent faulty disengagement.

Allowable Subject Matter

8. Claims 1-19 are allowed.
9. Claims 39, 41, and 42 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

10. Applicant's arguments with respect to claims 1-42 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.


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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nam Huynh whose telephone number is 571-272-5970. The examiner can normally be reached on 8 a.m.-5 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on 571-272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

NTH
7/20/06


GEORGE ENG
SUPERVISORY PATENT EXAMINER